UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/NGO/152
18 February 2002

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement* submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *200201089 9*

ENG

Racism, Racial Discrimination, Xenophobia and all forms of Discrimination

The state of Israel was established by a unilateral declaration on 15 May 1948. The Declaration does not declare Israel as an independent state, nor does it declare Israel as a sovereign state; rather it declares Israel a Jewish state. This Jewish character of the state of Israel, to the exclusion of its non-Jewish citizens, clearly denotes its racist nature. In 1975, when the General Assembly passed Resolution 3379 that described Zionism as "a form of racism and racial discrimination," the US ambassador to the UN, Daniel Patrick Moynihan, complained that the resolution was unfair to Israel because Israel "was founded to be a *Jewish* state.1" Supporters of the former apartheid regime in South Africa might just as such argue that the Republic of South Africa was founded to be a *white* state and therefore should not be accused of racism!

Israel and South Africa: Two Forms of Apartheid

Israel's repressive methods and systematic human rights violations fulfill the elements of the 1976 International Convention on the Suppression and Punishment of the Crime of Apartheid, where the latter is described as: "racial segregation; and various inhumane acts." In the framework of its former apartheid policy, the Republic of South Africa devised a legal mechanism to deprive some 75% of its inhabitants of their South African citizenship. It still remains the case, however, that south African apartheid recognizes the legal personality of its black inhabitants in a way that Israeli apartheid with regards to the Palestinian Arabs does not. In the case of Israel, "apartheid is applied under the categories of 'Jew' versus 'non-Jew.' Of the almost three million non-Jewish Palestinian Arabs who are today entitled to Israeli citizenship, under the 1947 UN Partition Plan, less than 25% are Israeli citizens. Under the Absentee Property Law (1950), the State of Israel has similarly denationalized 75% of its non-Jewish Palestinian Arab inhabitants. However, having classified them as 'absentees' in the eyes of the law, it has thereby not only defined them as aliens in their home land, but has cast them outside legal existence altogether.2" Moreover, Israel has deprived 3.8 million Palestinians within the Occupied Palestinian Territories (OPT) from their citizenship by denying them their right of self-determination. Even worse, Israel does not recognize 45 villages in which 70,000 Palestinians live inside the Green line.

It has been noted that while South African land was divided into two (very unequal) parts, the division is at least stabilized, whereas the Israeli state keeps buying and expropriating land and houses for the exclusive use of Jews. This racist process is referred to by the Israelis as the 'redemption of the land," with land owned by non-Jews implicitly impure and polluted, until 'redeemed.3'

With 93% of Israel's land considered to be the 'inalienable property of the Jewish people (under the Development Authority Law), Arabs are prevented from living in any but limited areas. Israeli Arabs houses are demolished to make way for Israeli Jews. In addition, inhabitants of the West Bank and Gaza must obtain permits for almost every activity, from traveling to another town to planting a fruit tree. These permits are issued arbitrarily and frequently refused.

---

1 Rachelle Marshall, "The Zionism Debate at the UN is Beside the Point, "Washington Report, November 1991.
2 Uri Davis, Israel: An Apartheid State, Chapter I
3 Gabi Baron, "The Mysterious Redeeming of the Lands," Yediot Ahronot, April 24, 1990.

A report by Amnesty International, entitled "Israel and the Occupied Territories: The Demolition and Dispossession of Palestinian Homes," emphasized that the demolition of Palestinian homes goes with the confiscation of Palestinian land throughout most of the West Bank, amounting to a policy of colonization. "Since 1987, Israeli authorities have demolished at least 2,650 Palestinian homes in the West Bank (including East Jerusalem). As a result, 16,700 Palestinians, including 7,300 children, have become homeless.4"

Through restrictions on movement, land confiscation, house demolitions and almost constant curfews, Israel has made it impossible for most Palestinians to earn a living. Unemployment in the OPT was at about 11% in mid-2000 before the Intifada began, it has skyrocketed to nearly 50% in mid-20015. The economic dependency ratio increased from 4.8% in the 3rd quarter of 2000 to 6.4 in the 2nd quarter of 2001. 49% of employees have a monthly wage below the poverty line.6 Access to goods, services and facilities is controlled by the Israeli military, including humanitarian aid/services and water supplies

Racism Inside Israel

Despite Israel's ratification of the International Covenant on Civil and Political Rights that stipulates in article 26 equality of all persons before the law without any discrimination, Palestinian citizens in Israel are discriminated against in a variety of forms and denied equal individual rights because of their national belonging. The doctrine that Israel is the state of the Jewish people in Israel and abroad, not of its citizens, is now part of the Basic Law of that country. The Supreme Court of Justice stated publicly that "its is necessary to prevent a Jew or Arab who calls for equality of rights for Arabs from sitting in the Knesset or being elected to it."7 Thus Palestinian Arabs rights to run for elections to the Israeli parliament is limited by their acceptance of the notion of the Jewish states as expressed in the Law of Political Parties (1992) and, in particular, the amendment of section 7A(1) of the Basic Law.

There are two main examples of Israeli laws that discriminate against Palestinian Arabs by directly distinguishing between Jews and non-Jews: the citizenship laws and the Law of Return (1950). The Law of Return grants every Jew the right to immigrate to Israel whereas Palestinian expelled from Israel who had their homes and lands confiscated in 1948, and after 1967, have been denied their rights of return as guaranteed under international law (UN General Assembly resolution no. 194). National identity is the main factor in deciding the acquisition of citizenship in Israel. The Nationality Law automatically grants citizenship to all Jews who have immigrated to Israel. This privilege is for Jews only.

The Budget Law which governs state funds does not specify allocations for minorities. The decision is made according to the officials' discretion. "Due to their lack of representation in governmental offices, Palestinian Arabs receive substantially less funding and have less resources allocated for welfare budgets, school facilities or other education programs8."

---

4 Amira Hass, Ethnic Discrimination against Palestinians must end, December 8, 1999, wwwa.bbc.com
5 Report Update to UN Special Rapparteur on Food, November 2001.
6 Palestinian central Bureau of Statistics (PCBS), "Press Release on Labor Force Survey Results, April –June 2001 Round_ 280,000 Unemployed Persons During the 2nd Quarter 2001," http:// www.pcbs.prg/press/pre_pssd/releas.htm
7 Edward S. Herman, Israel apartheid and Terrorism, Part I.
8 The Arab association for Human Rights, discrimination in Israeli Law.

	Categories	Arabs	Jews
1	Proportion population living in overcrowded conditions, 1997	31.6%	5.7%
2	Proportion of total welfare budget received, 1998	12.5%	87.5%
3	Proportion families under poverty line, 1996	28.3%	16.0%
4	Infant mortality rate per 1,000 live births, 1995	9.1	5.5
5	Proportion of schools with psychological services, 1996	33%	95%

A special report by Professor Daniel Bar-Tal of Tel Aviv University showed that Israeli school text books as well as children's storybooks portray Palestinians and Arabs as "murderers", "rioters", "suspicious" and generally backward and unproductive. Direct delegitimization and negative stereotyping of Palestinians and Arabs are the rule rather than the exception in Israeli schoolbooks.9

This distortion is not surprising given that for years Israeli leaders have openly called the Palestinians "grasshoppers," "two-legged animals," "insects," "drugged cockroaches." In 1994, Rabbi Yaacov Perin openly declared that "One million Arabs are not worth a Jewish fingernail10." Israeli Prime Minister Menahem Begin described Palestinians in his speech to the Knesset as "beasts walking on two legs11." For Rafael Eitan, former chief of staff of the Israeli Defense Forces, " The only good Arab is a dead Arab."

For all of the above-mentioned Israeli discriminatory policies and practices of segregation and discrimination, we hereby reaffirm and call for the enforcement of the recommendations of the UN World Conference Against Racism NGO Forum Declaration, namely, we call for the immediate enforcement of international humanitarian law, specifically the Fourth Geneva Convention 1949.

We also call upon the UN to ensure the implementation of the various UN resolutions on the OPT including the withdrawal of the Israeli colonial military occupation, the right of return for refugees, and for the protection for refugees of the UN High Commission for Refugees until such time as they may be able to exercise their right to return and in accordance with UN resolution 194.

We also call for the repeal of all discriminatory laws within the state of Israel, including those of return and citizenship, which are part of the institutionalized racism and Apartheid regime in Israel.

We Call for the establishment of a war crimes tribunal to investigate and bring to justice those who may be guilty of war crimes including the crime of Apartheid which amount to a crime against humanity.

We also call for the establishment of a UN Special Committee on Apartheid and Other Racist Crimes Against Humanity perpetrated by the Israeli Apartheid regime to monitor and to report Apartheid and other racist crimes.

---

9 Washington Report on Middle East Affairs, September 1999, pages 19-20.
10 Kevin James, "Israel's Apartheid Must End," New York Daily News, December 10, 2000.
11 Quoted in Ammon Kapeliouk "Begin and the Beasts," New Statesman, June 25, 1982.

Finally we call upon the international community to impose a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa which means the imposition of mandatory and comprehensive sanctions and embargo and the full cessation of all links between all states and Israel.